UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,155	01/22/2002	William P. Darbie	10011309-1	5337

7590 01/10/2007	EXAMINER
AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599	NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/054,155	DARBIE, WILLIAM P.
	Examiner	Art Unit
	Maikhanh Nguyen	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>14-25</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>14-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to Amendment filed 10/24/2006 to the original application

filed 01/22/2002.

Claims 14-25 are presented for examination. Claims 1-13 and 26-41 have been

canceled.   Claims 14 and 19 are independent claims.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.*

Claims 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grey et**

al. (U.S. Pat. 6577981, filed 02/26/1999) in view of **Gupta** (Pub. No.: US

2004/0205565, filed 10/23/2001).

As to claim 14:

Grey teaches a text enhancer *(see the Abstract)*, comprising:

- means for receiving a compiler output that includes data files and algorithms, the compiler output in the form of a text file having a plurality of lines information *(e.g., Step.Result.ReportText contains a message string that TestStand includes in the report. The user can set the value of the message string, directly in the code module. The C/CVI and LabVIEW module adapters allow code modules to set this property by modifying the corresponding member of the test data structure or cluster; col.40, lines 12-17 and col. 61, line 40-col. 62, line 14);*

- means for comparing the plurality of lines of information with a string to generate a match *(e.g., the TestStand Engine automatically determines the type being loaded, and then automatically determines if the loaded type conflicts with one or more previously loaded/registered types. This determination includes comparing the type being loaded with the previously loaded/registered types in the system. In the preferred embodiment, the determination of a type conflict comprises determining if the name of the loaded type conflicts with the name of any of the previously loaded/registered types; col. 3, lines 51-65 and col.43, line 45-col.44, line 55);*

- means for compiling a statistic on the match *(e.g., A Numeric Limit Test step is generally used to call a code module that returns a single measurement value. After the code module executes, the Numeric Limit*

Test step type compares the measurement value to predefined limits. If the measurement value is within the bounds of the limits, the step type sets the step status to Passed. Otherwise, it sets the step status to Failed ... The Comparison Type selection ring on the Limits tab specifies the type of comparison the step type performs, if any, to determine the step status. The Numeric Limit Test Comparison Types table lists the available comparison types ... the value of the Step.Result.Numeric property as the numeric measurement to compare the limits against; col.42, line 19-col.43, line 44);

- means for inserting an entry in the hypertext markup language translation of the text file responsive to a condition identified by the compiler; and means for adding a summary to the hypertext markup language translation *(e.g., (e.g., reportgen_html.seq ... result entries, and footer for a UUT into an HTML test report; col. 61, line 40-col. 62, line 13).*

Grey, however, does not specifically teach *"means for converting the text file to a hypertext markup language translation."*

Gupta teaches means for converting the text file to a hypertext markup language translation *(e.g., test reports file is converted into a HTML test summary; see Abstract & ¶¶ 0011, 0012, and 0040).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Gupta with Grey because it

would have provided the capability for presenting the user with a summary of the

detailed testing information included in the test execution log file. In addition, the

HTML test summary report can include a summary analysis of the test execution

log file. Specifically, the HTML test summary report can list the tests that were

executed and whether the tests passed or failed.

As to claim 15:

Grey teaches means for reporting the statistic *(col. 26, line 40-col. 27, line 8).*

As to claim 16:

Grey teaches means for applying a hypertext markup language link between the

statistic and an instance of the string in the match *(col. 61, line 45-col. 62, line 13).*

As to claim 17:

Grey teaches receives a previously stored string *(col. 3, lines 51-65 and col. 26,*

lines 30-64).

As to claim 18:

Grey teaches receives a string via an input device *(col. 10, lines 61-62).*

As to claim 19:

The rejection of claim 14 above is incorporated herein in full. Additionally, Grey

teaches:

- logic configured to locate a text string within the text data *(col. 33, lines 4-*

    24 and col. 40, lines 12-17);

- logic configured to log located text strings, wherein each occurrence of a

    particular text string is associated with an indicator *(e.g., The Description*

    indicator displays the description string for the currently selected code

    template; col. 37, lines 61-64 and col. 49, lines 65-67); and

- logic configured to register a respective label *(e.g., A Label Step is*

    generally used as the target of a Goto step. This allows the user to

    rearrange or delete other steps in a sequence without having to change the

    specification of targets in Goto steps ... Label steps do not pass or fail.

    After a Label step executes, the TestStand Engine sets the step status to

    Done or Error ... The Label steps type does not define any additional step

    properties other than the custom properties common to all steps; col. 50,

    line 63-col. 51, line 26).

As to claim 20:

Grey teaches the logic configured to log located text strings records a number of

occurrences of the particular text string *(col. 46, line 1-44 and col. 50, line 63-col.*

51, line 26).

As to claim 21:

Grey teaches the logic configured to register a respective label concatenates the

number of occurrences of the particular text string to the label to generate a

summary entry *(col. 46, line 1-44 and col. 50, line 63-col. 51, line 26)*.

As to claim 22:

Grey teaches the logic configured to associate a particular label adds a link *(col.*

18, lines 16-29; col. 50, line 62-col. 51, line 26).

As to claim 23:

Grey teaches changing a characteristic of both the text string in the text data and

the summary entry *(see Abstract; col. 2, lines 46-54; col. 6, lines 7-22; col. 13,*

lines 1-49).

As to claim 24:

Grey teaches adding an alphanumeric character to both the text string and the

summary entry *(col. 22, line 14-col. 23, line 6 & col. 52,line 57-col. 53, line 41)*.

As to claim 25:

Grey teaches the link is a hypertext markup language link *(col.61, line 40-col.62,*

line14).

Response to Arguments

3. Applicant's arguments with respect to claims 14-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Berry et al.   US Pat. No. 4,417,332   Issued: Nov. 22, 1983

- McKeeman et al.   US Pat. No. 5,754,860   Issued: May 19, 1998

- Snover   US Pat. No. 6,269,460   Issued: Jul. 31, 2001

- Amtower et al.   U.S. Pat. No. 6,272,204   Issued: Aug. 7, 2001

- Grey et al.   U.S. Pat. No. 6,397,378   Issued: May 28, 2002

- Fazzio et al.   U.S. Pat. No. 6,825,856   Issued: Nov. 30, 2004

- Heumann et al.   US Pat. No. 7,018,424   Issued: Sep. 19, 2006

- Klein et al.   US Pub. No. 2002/0042897 A1   Pub. Date: Apr. 11, 2002

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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